

Remarks

By this amendment, claims 1, 5, 8, 10, 12, 25 and 26 have been amended, claims 19-21 have been cancelled, and new claims 31-35 have been added. Applicant reserves the right to file continuing applications directed to the cancelled claims. After entry of this amendment, claims 1-18, 22-28 and 30-35 are pending in the present application. Reconsideration is requested in view of the requested amendments and the following remarks.

I. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 13-15 are allowed and that claims 5, 6, 10, 12, 25 and 26 are objected to but would be allowable if re-written in independent form. Claims 5, 10, 12, 25 and 26 are now presented as independent claims incorporating the limitations of these claims as previously presented and should now be allowed.

New claim 31 is like previously presented and objected to claim 5, but depends from newly amended claim 1.

New claim 32 is like previously presented and objected to claim 6, but depends from new claim 31.

II. Rejection of Claims 1-4, 7-8, 22-23, and 27-30

Claims 1-4, 7-8, 22-23, and 27-30 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,393,835 to Kantor et al. (Kantor). Applicant traverses this rejection and requests that it be withdrawn.

Claims 1-4, 7, and 8:

Claim 1 is directed generally to an apparatus for converting the load compartment of a vehicle into a tank for carrying liquids. Claim 1 has been amended to recite a removable cover assembly configured to engage the upper edge of the load compartment and cover the upper opening of the load compartment so as to convert the load compartment into the tank, wherein the inside of the tank is defined by the inner surfaces of the load compartment and the cover assembly. Kantor neither teaches nor suggests such an apparatus.

As best shown in FIGS. 1 and 2 of Kantor, Kantor discloses a container 10 that is shaped to fit within the load compartment 14 of a vehicle. The container 10 has a bottom wall 16, end walls 18, side walls 20, and a top wall 22. See col. 4, lines 72-75. In contrast, the invention of claim 1 includes a cover assembly that is not a container by itself, but rather forms a tank or container when placed over the load compartment of a vehicle. As recited in claim 1, the inside of the tank is defined by the inner surfaces of the vehicle load compartment and the cover assembly. However, in the Kantor device, the inside of the container 10 is defined by the inner surfaces of walls 16, 18, 20, and 22 (not the inside of the load compartment 14), and therefore cannot satisfy the limitations of claim 1.

Thus, Applicant's device as set out in claim 1 clearly is not anticipated by Kantor and is allowable.

Claims 2-4, 7 and 8 depend from claim 1 and are allowable for the reasons given above in support of claim 1 and because each claim sets forth an independently patentable combination of features.

For example, claim 2 recites at least one latch mechanism for releasably latching the cover assembly to the load compartment. There is no disclosure in Kantor for a latch assembly. At best, the Kantor device includes flexible members 34 (which appear to be bungee cords) for securing the side flaps 24 of the container 10 to the vehicle. See col. 5, lines 34-40 and FIGS. 1 and 3 of Kantor. Bungee cords, such as disclosed in Kantor, are not latch mechanisms.

Claim 4 recites a sealing member for positioning between the load compartment and the cover assembly. The sealing member can be, for example, a rubber gasket. See page 5, lines 5-6 of the application. Kantor fails to provide any disclosure for a sealing member (nor does the action contend that there is).

Claim 8 has been amended to recite that a portion of the discharge conduit extends inside the cover assembly within a plane that is substantially parallel to a top wall of the cover assembly. In contrast, as best shown in FIG. 3 of Kantor, the Kantor device includes a discharge conduit section 60 inside of the container 10 that extends vertically and perpendicularly with respect to the cover 22 of the container.

Claims 22-23:

Claim 22 is directed generally to an apparatus for converting the dumping hopper of a loader into a tank for carrying liquids. FIGS. 1, 2A and 2B of the present application illustrate a loader 6 and a dumping hopper 8 that is supported in front of the loader by the movable arms of the loader. In contrast, the Kantor device is a container that is adapted to fit within the load compartment of a dump truck, and does not disclose a removable cover assembly for covering the upper opening of a “dumping hopper of a loader,” as required by claim 22. Thus, Kantor clearly does not meet the limitations recited in claim 22 and the rejection should therefore be withdrawn.

Claim 22 also recites that the removable cover assembly forms a substantially liquid-tight seal between the cover assembly and the hopper. There is no disclosure in Kantor for a cover assembly that forms a substantially liquid-tight seal with a hopper (or any other type of vehicle compartment).

Claim 23 depends from claim 22 and is allowable for the reasons given above in support of claim 22 and because claim 23 sets forth an independently patentable combination of features. For example, claim 23 recites a cover assembly that is releasably latchable to a hopper. Kantor's container 10 is not releasably latchable to the load compartment 14.

Claims 27-30:

Claim 27 recites a method for carrying liquid in the load container of a vehicle. The method includes covering the open top of the load container with a cover so that a substantially liquid-tight seal is formed between the cover and the load container, and introducing a liquid into the load container. Kantor neither teaches nor suggests forming a substantially liquid-tight seal between a cover and a vehicle load container. Kantor expressly teaches placing a liquid-tight container into a vehicle load compartment and introducing liquid into the container. Since liquid is not introduced into the space between the container and the load compartment, there would no reason to provide a substantially liquid-tight seal between the cover 22 and the upper portion of the load compartment surrounding the opening.

Claims 28-30 depend from claim 27 and are allowable for the reasons given above in support of claim 27 and because each claim sets forth an independently patentable combination of features. For example, Kantor neither teaches nor suggests latching a cover to a vehicle load container, as recited in claim 30.

III. Rejection of Claims 1-4, 8-9, 11, 16-18, 22-24 and 27-30

Claims 1-4, 8-9, 11, 16-18, 22-24 and 27-30 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 6,595,392 to Barnett (Barnett). Applicant traverses this rejection and requests that it be withdrawn.

Claims 1-4 and 8:

Claim 1 is directed generally to an apparatus for converting the load compartment of a vehicle into a tank for carrying liquids. Barnett neither teaches nor suggests such an apparatus. Barnett concerns a hand-held spray pump apparatus that is carried by a user, such as to spray liquid in a garden environment. See, e.g., col. 2, lines 36-42 of Barnett. The removable cover 114 of the Barnett device clearly is not configured to engage the upper edge of the load compartment of a vehicle so as to convert the load compartment into a tank, as recited in claim 1. Barnett does not concern converting the load compartment of a vehicle into a tank for carrying liquids, nor does it even suggest carrying liquids in a vehicle load compartment. Further, Barnett is non-analogous prior art, since it is not in the same field of Applicant's endeavor and is not reasonably pertinent to the particular problem with which the invention is concerned. MPEP § 2141.01(a). For the foregoing reasons, Barnett does not anticipate or render obvious claim 1 and the rejection therefore should be withdrawn.

Claims 2-4 and 8 depend from claim 1 and are allowable for the reasons given above in support of claim 1 and because each claim sets forth an independently patentable combination of features.

Claims 9 and 11:

Claim 9 is allowable because Barnett neither teaches nor suggests a cover adapted to engage the load compartment of a vehicle, as recited in claim 9. Barnett's spray pump apparatus 100 is a hand-carried device and clearly is not a vehicle or the load compartment of a vehicle. Claim 11 depends from claim 9 and therefore is allowable for the same reasons that claim 9 is allowable and because claim 11 recites a novel and non-obvious combination of features.

Claims 16-18:

Claim 16 is allowable because Barnett neither teaches nor suggests means for covering the upper opening of a vehicle load compartment and for retaining liquid contained in the load compartment, as recited in claim 16. Claims 17 and 18 depend from claim 16 and are allowable for the reasons given above in support of claim 16 and because each claim sets forth an independently patentable combination of features.

Claims 22-24:

Claim 22 is allowable because Barnett neither teaches nor suggests a removable cover assembly for covering the upper opening of a dumping hopper of a loader, as recited in claim 22. Claims 23 and 24 depend from claim 22 and are allowable for the reasons given above in support of claim 22 and because each claim sets forth an independently patentable combination of features.

Claims 27-30:

Claim 27 is allowable because Barnett neither teaches nor suggests covering the open top of the load container of a vehicle, as recited in claim 27. Claims 28 and 30 depend from claim 27 and are allowable for the reasons given above in support of claim 27 and because each claim sets forth an independently patentable combination of features.

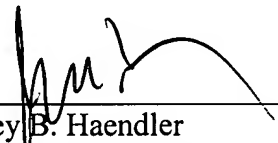
IV. Conclusion

The present application is in condition for allowance and such action is respectfully requested. If any further issues remain concerning this application, the Examiner is invited to call the undersigned to discuss such matters.

Respectfully submitted,

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